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February 24, 2012

**VIA ECF**

Hon. Stanley R. Chesler, U.S.D.J.  
US District Court for the District of New Jersey  
Frank R. Lautenberg U.S. Courthouse &  
Post Office Building, Room 417  
One Federal Square  
Newark, New Jersey 07101

**Re: Stichting Pensioenfonds ABP v. Merck & Co., Inc, et al.**  
**Civil Action No.: 05-CV-05060-SRC-MAS**

Dear Judge Chesler:

We, along with Grant and Eisenhofer, P.A., are co-counsel for plaintiff in the above-referenced matter. We are submitting for Your Honor's approval a Stipulation and Proposed Order with respect to Plaintiff's brief in opposition to the motions to dismiss the Second Amended Complaint filed by the Merck Defendants and Defendant Scolnick, respectively. The Stipulation has been signed by all counsel in this case. If the Stipulation and Proposed Order meet with Your Honor's approval, please execute the same and cause it to be electronically filed with the Clerk.

Respectfully yours,

/s/ Marc E. Wolin

MARC E. WOLIN

MEW/smb

Enclosure

cc: Jay W. Eisenhofer, Esq. (w/ encl. – via ECF)  
Robert H. Baron, Esq. (w/ encl. – via ECF)  
William R. Stein, Esq. (w/ encl. – via ECF)  
Martin L. Perschetz, Esq. (w/ encl. – via EMail)  
Lawrence M. Rolnick, Esq. (w/ encl. – via ECF)  
Jeff W. Lorell, Esq. (w/ encl. – via ECF)

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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STICHTING PENSIOENFONDS ABP,

Plaintiff,

v.

MERCK & CO., INC., RAYMOND V.  
GILMARTIN, JUDY C. LEWENT, ALISE  
S. REICIN, KENNETH C. FRAZIER,  
EDWARD M. SCOLNICK, DAVID W.  
ANSTICE, and PETER S. KIM,

Defendants.

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CASE NO. 2:05-CV-05060-SRC-MAS

**STIPULATION AND [PROPOSED] ORDER**

WHEREAS, Plaintiff in the above-captioned action filed the original Complaint on October 21, 2005, which contained 453 paragraphs, spanned 194 pages, and alleged 7 causes of action;

WHEREAS, Plaintiff filed the Second Amended Complaint on October 21, 2011, which contains 509 paragraphs, spans 214 pages, and alleges 8 causes of action;

WHEREAS, pursuant to stipulation by the parties, this Court entered an Order on January 12, 2012 ("Order") providing that Defendants' Merck & Co., Inc., Raymond V. Gilmartin, Judy C. Lewent, Alise S. Reicin, Kenneth C. Frazier, David W. Anstice, and Peter S. Kim ("Merck Defendants") brief in support of their motion to dismiss the Second Amended Complaint, and Plaintiff's brief in opposition to the Merck Defendants' motion to dismiss the Second Amended Complaint, shall be increased to 60 pages (or 45 pages if 12-point proportional font is used);

WHEREAS, the Order did not alter the page limits applicable to any motion to dismiss filed by Defendant Scolnick, or any opposition thereto filed by Plaintiff;

WHEREAS, the Merck Defendants filed a motion to dismiss the Second Amended Complaint on January 20, 2012, and Defendant Scolnick filed a separate motion to dismiss the Second Amended Complaint on January 20, 2012;

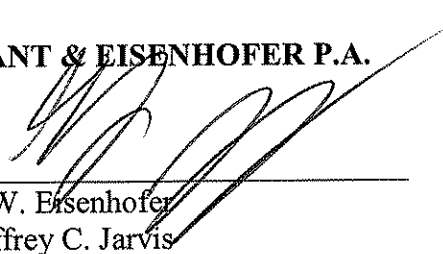
IT IS HEREBY STIPULATED AND AGREED, by and between the parties, through their undersigned counsel, AND SO ORDERED:

1. Plaintiff shall be permitted to file a single brief in opposition to both Merck Defendants' motion to dismiss the Second Amended Complaint and Defendant Scolnick's motion to dismiss the Second Amended Complaint;
2. The page limit for Plaintiff's brief in opposition to the motions to dismiss shall be 70 pages (or 52.5 pages if 12-point proportional font is used);
3. Nothing in this stipulation shall alter any other agreed-upon page limits applicable to any reply briefs filed by any Defendant.

DATED: February 24 2012

AGREED TO BY:

**GRANT & EISENHOFER P.A.**

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*Counsel for Plaintiff Stichting  
Pensioenfonds ABP*

DATED: February 24, 2012

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DATED: February 24, 2012

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*Counsel for Defendant Edward M. Scolnick*

SO ORDERED: \_\_\_\_\_, 2012

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Hon. Stanley R. Chesler  
United States District Judge